

Serial No. 09/738,721

- 13 -

Art Unit: 2175

REMARKS

This Amendment is responsive to the Final Office Action dated May 2, 2005. All rejections and objections of the Examiner are respectfully traversed. Reconsideration and further examination is respectfully requested.

At paragraphs 2 and 3 of the Office Action, the Examiner rejected claims 1-56 for obviousness under 35 U.S.C. 103, citing the combination of United States patent number 5,774,670 of Montulli ("Montulli"), "Simulating Cookies with the Cookie Munger" published by Microsoft Corporation ("Cookie Munger"), and United States patent number 6,399,052 of Hoang et al. ("Hoang et al."). Applicant respectfully traverses these rejections.

As noted previously, the Montulli system transfers state information *between a server computer system and a client computer system*. In Montulli, an HTTP client requests a file on an HTTP server, and the server transmits the file to the client. The Montulli HTTP server transmits a state object describing certain state information to the HTTP client. The HTTP client of Montulli stores the state object, and sends the state object back to the HTTP server when making later requests for files on the HTTP server. In a subsequent request for documents to the server, the Montulli client can send the stored state information to the server. See column 2, lines 21-35.

Also as previously noted, the Cookie Munger paper describes a filter enabling Active Server Pages to work with browser programs that do not support or refuse to accept cookies. As described in Cookie Munger, the server system receives a request for a URL, and then checks to see if the URL is encoded in that it includes cookie-ish information. If so, then the Cookie

Serial No. 09/738,721

- 14 -

Art Unit: 2175

Munger operates on the server system to remove the information from the URL, form a cookie header, and forward the request to the Active Server Page. Cookie Munger is described as an Internet Server Application Programming Interface (ISAPI) filter.

The newly cited Hoang et al. discloses an electronic commerce system for referencing remote commerce sites at a local commerce site. In Hoang et al., a remote merchant integration server includes a session manager that sets a client cookie for a user client if the user client is a first-time visitor to a local commerce site, where the client cookie includes a unique identification code identifying the user client to the local commerce site. When setting the client cookie, the session manager may store the client cookie in a cookie database in a storage location related to the user client, or sends it to the user client for storage in relation to the remote management integration server. If the user client is not a first time visitor, the session manager of Hoang et al. retrieves from a cookie database a retrieved cookie associated with the user client and the remote merchant site, the retrieved cookie including a cookie previously sent by the remote merchant site, where the retrieved cookie relates to the user client and to the remote merchant site. The Hoang et al. system may further operate to change the header of the request based on the retrieved cookie. The Hoang et al. system also transforms merchant responses by appending a URL of the local commerce site to a URL in the merchant response, in order to ensure that future requests from clients are processed directly by the local commerce site.

Applicants first respectfully urge that the Examiner has not established a sufficient motivation to combine the cited references. A *prima facie* case of obviousness under 35 U.S.C. 103 must include a showing of a suggestion, teaching or motivation that would have led a person of ordinary skill in the art to combine the cited references in the particular manner claimed. See In re Dembiczak, 175 F.3d 994, 998 (Fed. Cir. 1999), and In re Kotzab, 217 F.3d 1365, 1371

Serial No. 09/738,721

- 15 -

Art Unit: 2175

(Fed. Cir. 2000). "[C]ombining prior art references without evidence of such a suggestion, teaching, or motivation simply takes the inventor's disclosure as a blueprint for piecing together the prior art to defeat patentability—the essence of hindsight." Dembiczak, 175 F.3d at 999. In the present application, the Examiner states that a person skilled in the art would be motivated to modify Montulli based on Cookie Munger and Hoang et al. "because a simulator system disposed between the server system and the client system would be able to manage cookies for many remote cites for the client". However, Montulli, Cookie Munger and Hoang et al. are all *independently* capable of managing cookies for many remote cites for the client. Accordingly, use of any of Montulli, Cookie Munger or Hoang et al. systems alone would have been sufficient to meet the requirement of managing cookies for many remote cites for the client. A person skilled in the art would therefore not have been motivated to combine the cited references for the reason stated in the Office Action.

Moreover, one skilled in the art would not be motivated to combine the references in the particular manner claimed because Hoang et al. teaches appending a URL *of the local commerce site* to URLs in the merchant response, in order to ensure that future requests from clients are processed directly by the local commerce site. See column 8 lines 41 to 67 of Hoang et al. This is in direct contradistinction to the present independent claims, which include "appending, at said simulator system, *said state information to at least one address corresponding to a link located in a remaining portion of said network data*". Thus combining Montulli and Cookie Munger with Hoang et al., or modifying Montulli or Cookie Munger based on Hoang et al., would result in a system that appends a completely different kind of information to URLs in the response provided from the merchant than is appended by the present independent claims. Applicants respectfully urge that there is no teaching or suggestion to make the *claimed combination* in the

Serial No. 09/738,721

- 16 -

Art Unit: 2175

cited references, and that the Examiner has used the Applicant's disclosure as a blueprint for piecing together selected portions of the prior art in hindsight to defeat patentability.

Even if there were sufficient motivation to combine the cited references, and Applicants make no admission that such motivation exists, the combination still does not disclose the present claims. Nowhere in the combination of Montulli, Cookie Munger and Hoang et al. is there disclosed or suggested any system or method for transferring information from a server system to a client system that operates by:

...
receiving, after transmission from said client system, at said simulator system, a network data request including a requested address having said state information appended thereto;
reconstructing, at said simulator system, said state information appended to said requested address in said network data request into another format;
deleting, at said simulator system, said state information appended to said requested address in said network data request;
forwarding said network data request and said reconstructed state information from said simulator system to said server system; and
wherein said simulator system is a content switch configured to receive a data stream that includes said network data and said network data request. (emphasis added)

as in the present claim 1. Independent claims 17, 33, 35, 51, 53, and 55 include analogous features. As previously noted, Montulli and Cookie Munger are only concerned with communicating state information between client systems and server systems. Montulli describes removal and storage of state information at the client system for return later to the server system, while the Cookie Munger system operates completely on the server system side for those situations where the client system does not support cookies. The system of Hoang et al. includes a remote merchant integration server that processes cookies for client systems that do not support cookies. However, Hoang et al. processes cookies in completely different way than that set forth in the present independent claims. In this regard, Hoang et al. expressly teaches that cookie

Serial No. 09/738,721

- 17 -

Art Unit: 2175

information is *stored and retrieved from a cookie database or in the client system*, and retrieved based on the remote merchant identity, client identity or the identity of the remote merchant integration server. This stands in clear contrast to the approach of the present independent claims, in which *state information appended to a requested address is obtained by a content switch from within the network data request, the state information is reconstructed into another format, the appended state information is deleted, and the network data request and reconstructed state information are then transmitted from the content switch to the server that handles the network data request*. None of Montulli, Cookie Munger, or Hoang et al. include any hint or suggestion of even the desirability of having *a content switch located between a client system and a server system, that reconstructs state information appended to a requested address in a network data request, deletes the appended state information, and transmits the network data request and reconstructed state information to the server system*. In fact, neither Montulli, Cookie Munger nor Hoang et al. include any mention of a content switch.

For the reasons stated above, Applicants respectfully urge that the combination of Montulli, Cookie Munger and Hoang et al. does not disclose or suggest all the features of the present independent claims. Applicants further respectfully urge that a person of ordinary skill in the art would not be motivated to combine Montulli, Cookie Munger and Hoang et al. in the particular manner of the present independent claims. Accordingly, the combination of Montulli, Cookie Munger and Hoang et al. does not support a *prima facie* case of obviousness with regard to the present independent claims. As to the remaining claims, they each depend from the present independent claims, and are respectfully believed to be patentable over the combination of Montulli, Cookie Munger and Hoang et al. for at least the same reasons. Reconsideration of all pending claims is respectfully requested.

Serial No. 09/738,721

- 18 -

Art Unit: 2175

In view of the above, Applicants respectfully request that all rejections of the Examiner be withdrawn. All claims are believed to be allowable, and the application is believed to be in condition for allowance. Favorable action is respectfully requested.

Applicants have made a diligent effort to place the claims in condition for allowance. However, should there remain unresolved issues that require adverse action, it is respectfully requested that the Examiner telephone David A. Dagg, Applicants' Attorney at 617-630-1131 so that such issues may be resolved as expeditiously as possible.

Respectfully Submitted,

JUNE 30 2005
Date

David A. Dagg
David A. Dagg, Reg. No. 37,809
Attorney/Agent for Applicant(s)
Steubing McGuinness & Manaras LLP
125 Nagog Park Drive
Acton, MA 01720
(617) 630-1131

Docket No. 120-310